IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CIVIL APPLICATION NO. 1293 OF 2005**

**IN**

**FIRST APPEAL NO. 953 OF 2004**

Smt.Usha Sidram Kakamare..... ... Applicant.

Versus

Vinayak Babanrao Mhamane & Ors..... Respondents.

Mr.S. M. Oak with Ms.Nayana Thatte
for the Applicant.

Ms.Vaishali Chaudhari for the Respondents.

**CORAM: D.G.DESHPANDE, J.**

**DATE : 22ND JULY, 2005**

**P.C.:**

When this appeal was admitted, execution was stayed. This application is filed by the Respondents for the clarification that except handing over physical possession, the other proceedings in execution should not be stayed.

This application is opposed by the learned Counsel for the Respondents on the ground that if such a clarification is given the Respondents will be prejudiced. I do not find there could be any prejudice to the rights of the parties if the execution is allowed

to be proceeded but does not result or end in delivery of possession. Therefore, the said order is modified. The execution proceedings shall continue till the end excepting delivery of possession.

Civil Application is disposed of accordingly.

Certified copy expedited.

Sd/-

**(D.G.DESHPANDE, J.)**